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AUG 02 2004

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/824,950	04/15/2004	Joel Q. Xue	039199-9549

31058

MICHAEL BEST & FRIEDRICH LLP  
 100 EAST WISCONSIN AVENUE  
 MILWAUKEE, WI 53202-4108

Michael, Best & Friedrich LLP  
 RECEIVED

JUL 02 2004

DOCKETING  
 MILWAUKEE, WI

CONFIRMATION NO. 7453

FORMALITIES LETTER



\*OC000000013084060\*

Date Mailed: 06/28/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

08/03/2004 MAHME1 00000071 502401 10824950

01 FC:1051 130.00 DA

*A copy of this notice **MUST** be returned with the reply.*

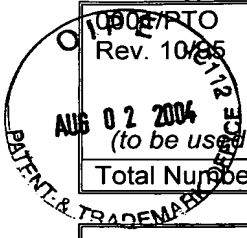
HN  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Please type a plus sign (+) inside this box [ + ]

Patent and Trademark Office: U.S. Department of Commerce

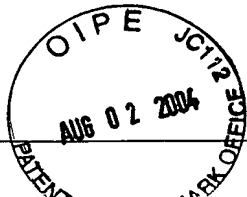


U.S. Department of Commerce Patent and Trademark Office		Application Number 10/824,950
Rev. 10/05		Filing Date 04/15/2004
<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		First Named Inventor Joel Q. Xue
Total Number of pages in this Submission 9		Group Art Unit Examiner Name
		Attorney Docket Number 140824IT (5024-00119)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After final  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement/PTO-1449  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Checklist and Accompanying Petition  <input type="checkbox"/> To Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> After Allowance Communication To Group  <input type="checkbox"/> Appeal Communication to Board Of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group ( Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Additional Enclosure(s) (Please identify below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">         Return receipt postcard       </div>
<div style="border: 1px solid black; padding: 5px; margin-top: 10px;">         Remarks       </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm Or Individual Name	Joseph D. Kuborn, Reg. No. 40,689 ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 East Wisconsin Avenue, Suite 1100, Milwaukee, WI 53202
Signature	
Date	July 27, 2004

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on this date:	
<div style="border: 1px solid black; padding: 5px; display: inline-block;">         July 27, 2004       </div>	
Typed or printed name	Barbara A. Johnson
Signature	<div style="border: 1px solid black; padding: 5px; display: inline-block; margin-left: 10px;">         Date 7/27/2004       </div>

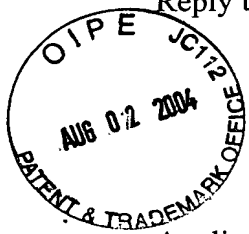


Approved for use through 9/30/98  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

PTO/SB/17 (10/97)		<b>COMPLETE IF KNOWN</b>					
<b>FEE TRANSMITTAL</b>		Application Number		10/824,950			
		Filing Date		04/15/2004			
		First Named Inventor		Joel Q. Xue			
		Group Art Unit					
		Examiner Name					
Total Amount of Payment		(\$)		130.00			
Attorney Docket Number				140824IT (5024-00119)			
<b>METHOD OF PAYMENT (check one)</b>				<b>FEE CALCULATION (continued)</b>			
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number <span style="border: 1px solid black; padding: 2px;">50-2401</span> Deposit Account Name <span style="border: 1px solid black; padding: 2px;">Andrus, Sceales, Starke &amp; Sawall, LLP</span> <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee set in 37 CFR 1.18 at the Mailing Of the Notice of Allowance, 37 CFR 1.311(b)				2. <b>Additional Fees</b> Large Entity    Small Entity Fee    Fee    Fee    Fee Code (\$)    Code (\$)    Fee Description    Fee Paid			
3. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other				105    130    205    65    Surcharge-late filing fee or oath <u>\$130</u>			
<b>FEE CALCULATION (fees effective 10/01/97)</b>				127    50    227    25    Surcharge-late provisional filing fee or cover sheet    _____			
1. <b>Filing Fee</b> Large Entity    Small Entity Fee    Fee    Fee    Fee Code (\$)    Code (\$)    _____				139    130    139    130    Non-English specification    _____			
101    740    201    370    Utility filing fee    _____				147    2,520    147    2,520    For filing a request for reexamination    _____			
106    330    206    165    Design filing fee    _____				112    920*    112    920*    Requesting publication of SIR prior to Examiner action    _____			
107    480    207    240    Plant filing fee    _____				113    1,840*    113    1,840*    Requesting publication of SIR after Examiner action    _____			
108    760    208    380    Reissue filing fee    _____				115    110    215    55    Extension for response within first month    _____			
114    150    214    75    Provisional filing fee    _____				116    400    216    200    Extension for response within second month    _____			
SUBTOTAL (1)    (\$)				117    950    217    475    Extension for response within third month    _____			
0				118    1,510    218    755    Extension for response within fourth month    _____			
2. <b>Claims</b> Extra    Fee from below    Fee Paid				128    2,060    228    1,030    Extension for response within fifth month    _____			
Total claims ____ - 20 = <u>X</u> = _____				119    310    219    155    Notice of appeal    _____			
Independent ____ - 3 = <u>X</u> = _____				120    310    220    155    Filing a brief in support of an appeal    _____			
Claims    _____				121    270    221    135    Request for oral hearing    _____			
Multiple Dependent ____ X ____ = _____				138    1,510    138    1,510    Petition to institute a public use proceeding    _____			
Claims    _____				140    110    240    55    Petition to revive unavoidably abandoned application    _____			
Large Entity    Small Entity    Fee				141    1,320    241    660    Petition to revive unintentionally abandoned application    _____			
Fee    Fee    Fee    Fee    Description				142    1,320    242    660    Utility issue fee (or reissue)    _____			
Code (\$)    Code (\$)    _____				143    450    243    225    Design issue fee    _____			
103    18    203    9    Claims in excess of 20    _____				144    670    244    335    Plant issue fee    _____			
102    78    202    39    Independent claims in excess of 3    _____				122    130    122    130    Petitions to the Commissioner    _____			
104    260    204    130    Multiple dependent claim    _____				123    50    123    50    Petitions related to provisional applications    _____			
109    78    209    39    Reissue independent claims over original patent    _____				126    240    126    240    Submission of Information Disclosure Statement    _____			
110    19    210    9    Reissue claims in excess of 20 and over original patent    _____				581    40    581    40    Recording each patent assignment per property (times number of properties)    _____			
SUBTOTAL (2)    (\$)				146    790    246    395    Filing a submission after final rejection (37 CFR 1.129(a))    _____			
0				149    790    249    395    For each additional invention to be examined (37 CFR 1.129(b))    _____			
Other fee (specify) _____				Other fee (specify) _____			
SUBTOTAL (3)    (\$)				130.00			
*Reduced by Basic Filing Fee Paid							
<b>SUBMITTED BY</b>				<b>COMPLETE (if applicable)</b>			
Type or Printed name		Joseph D. Kuborn Andrus, Sceales, Starke & Sawall, LLP		Registration Number		40,689	
Signature				Date		7/27/2004	
				Deposit Account User ID			

Appln. No. 10/824,950

Reply to Notice to File Missing Parts dated June 28, 2004



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Of: )  
)  
JOEL Q. XUE ET AL )  
)  
Application No.: 10/824,950 )  
)  
Filed: 04/15/2004 )  
)  
Group Art Unit: )  
)  
Examiner: )  
)  
METHOD AND APPARATUS FOR )  
ANALYSIS OF NON-INVASIVE )  
CARDIAC PARAMETERS )

SUBMISSION OF DECLARATION

Mail Stop MISSING PARTS  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice to File Missing Parts of Nonprovisional Application,  
Filing Date Granted mailed June 28, 2004 enclosed are the following documents/items.

1. An executed declaration in this application executed by the inventors. The declaration includes the names and residences of the inventors. In accordance with the Commissioner's announcement in 1035 OG 3, the undersigned registered attorney states that Application Serial No. 10/824,950 is the application that the inventors executed by signing the attached declaration.

2. Please charge the surcharge of \$130.00 for late filing of the declaration to Deposit Account No. 50-2401. A duplicate copy of this submission is attached.

Appln. No. 10/824,950  
Reply to Notice to File Missing Parts dated June 28, 2004  
Submission of Declaration dated July 27, 2004

3. A copy of the Notice of June 28, 2004.

Issuance of a filing receipt and advancement of the application to examination is respectfully requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

A handwritten signature in black ink, appearing to read 'Joseph D. Kuborn', with a stylized flourish extending to the right.

Joseph D. Kuborn  
Reg. No. 40,689

Andrus, Sceales, Starke & Sawall  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202  
(414) 271-7590  
Docket No. 140824IT (5024-00119)